

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDITH SUNIGA,

Plaintiff,

v.

Civ. No. 23cv98 DHU/KK

WALGREEN COMPANY, *et al.*

Defendants.

**ORDER ADOPTING JOINT STATUS REPORT AND
PROVISIONAL DISCOVERY PLAN WITH CHANGES AND
SETTING CASE MANAGEMENT DEADLINES**

THIS MATTER came before the Court at a Telephonic Rule 16 Initial Scheduling Conference held on March 27, 2023. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan (Doc. 7), filed March 16, 2023, and after conferring with counsel, the Court adopts the Joint Status Report and Provisional Discovery Plan modified as follows:

- a) Maximum of 30 Interrogatories by each party to any other party;
- b) Maximum of 30 Requests for Production by each party to any other party;
- c) Maximum of 30 Requests for Admission by each party to any other party;
- d) Maximum of 7 depositions by each party; and,
- e) The length of witness depositions shall be governed by Rule 30(d)(1) of the Federal Rules of Civil Procedure.

The following case management deadlines have been set:

- a) Deadline for Plaintiff to amend and join additional parties by written consent or to seek the Court's leave

to amend and join additional parties in compliance
with Fed. R. Civ. P. 15(a)(2)¹:

May 26, 2023

- b) Deadline for Defendants to amend and join additional parties by written consent or to seek the Court's leave to amend and join additional parties in compliance with Fed. R. Civ. P. 15(a)(2): June 9, 2023
- c) Plaintiff's Rule 26(a)(2) expert disclosures:² July 31, 2023
- d) Defendants' Rule 26(a)(2) expert disclosures:¹ August 31, 2023
- e) Termination date for discovery:³ September 29, 2023
- f) Motions relating to discovery to be filed by:⁴ October 19, 2023
- g) Pretrial motions other than discovery motions (including motions which may require a *Daubert* hearing) filed by:⁵ October 30, 2023

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express, written approval obtained for any modification of the case management deadlines set forth herein. Any requests for additional discovery must be submitted to the Court by motion before the discovery deadline expires. The parties must supplement their disclosures or discovery responses pursuant to Fed. R. Civ. P. 26(e)(1) within twenty-one (21) days of learning any disclosure or response is incomplete or incorrect. After the close of

¹ Plaintiff is granted 14 days from receipt of discovery concerning (1) the identity of the John Doe Defendant to seek amendment to name him; and/or (2) whether he was acting outside the course and scope of employment at the time of the subject incident to seek amendment to address this issue.

² Parties must disclose the names of all expert witnesses, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony must also submit an expert report by this date. See Fed. R. Civ. P. 26(a)(2). The parties must have their retained expert(s) ready to be deposed at the time they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

³ Discovery must be completed on or before this deadline.

⁴ This deadline should not be construed to extend the twenty-one-day time limit in D.N.M.LR-Civ. 26.6.

⁵ In addition to dispositive motions, this deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions in limine. The Court will set a motions in limine deadline in a separate order.

discovery, parties must supplement their disclosures or discovery responses as soon as possible, but no later than seven (7) days after learning of the need to supplement.

IT IS SO ORDERED.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE